

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 2-21, 23-24, 26-29, 31-47 and 49-53 are pending in this application. Claims 7, 11, 24 and 39 are amended. Claims 1, 22, 25, 30, 48 and 54 are canceled. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In the Office Action dated August 15, 2006, claims 28, 39 and 51-53 are objected to due to informalities. Claims 1-6, 11-20, 23-29, 35-47, 49-54 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Clifton et al., U.S. Patent No. 6,081,875 in view of Ohran et al., U.S. Patent Publication No. 2002/0112134. Claims 7, 22, 30 and 48 stand rejected 35 U.S.C. § 103(a) as being allegedly unpatentable over Clifton et al., Ohran et al. as applied to claims 1, 25 and 39 in view of Watanabe et al., U.S. Patent No. 7,013,371. Claims 21, 8-10 and 31-34 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Clifton, Ohran as applied to claim 21 and in view of Uemura et al., U.S. Patent No. 5,720,026.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Based on Watanabe and the Advisory Action

Claims 7, 22, 30 and 48 stand rejected based on a combination of Clifton, Ohran and Watanabe. In the Advisory Action, the Examiner indicated that claims 7, 30 and 48 are allowable, based on the submitted arguments regarding Watanabe. Claim 22 (which was

proposed to be amended earlier, and was also rejected based on Watanabe) is also believed to be allowable.

All of these claims have been rewritten in independent form, or their subject matter incorporated into their base claims. Accordingly, only the allowable claims are pending in this application. Applicants will pursue the subject matter of previously pending (and, at the moment, rejected) claims in a continuation application.

Objection to Claim 39

Claim 39 is objected to due to an alleged antecedent basis problem. As discussed in the previous submission, this objection is respectfully traversed. The third line in the claim (which appears to be at issue) reads “informing an operating system driver that data in the storage device is in a backup state.” Applicants believe that the Examiner interpreted this sentence to read “informing an operating system driver the data in the storage device is in a backup state” as opposed to “that data in a storage device.” Applicants respectfully submit that no correction is required to address this objection.

However, Applicants view this is a relatively minor issue, and will amend the claim if the Examiner continues to believe that an antecedent problem exists, or if the Examiner believes that the current language is ambiguous. If no other substantive issues remain, Applicants’ representative requests that the Examiner contact him by telephone at the number below, to expedite resolution of this issue.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,
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